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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,943	03/30/2001	Louis B. Rosenberg	IMM127	7594
34300 7590 01/07/2009 PATENT DEPARTMENT (51851) KILPATRICK STOCKTON LLP 1001 WEST FOURTH STREET WINSTON-SALEM, NC 27101				
EXAMINER CEGHELENIK, URSZULA M				
ART UNIT		PAPER NUMBER		
3711				
MAIL DATE		DELIVERY MODE		
01/07/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

09/823,943

**Applicant(s)**

ROSENBERG, LOUIS B.

**Examiner**

Urszula M. Cegielnik

**Art Unit**

3711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 45-58 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 45-58 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date: 06/14/2008
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 45-51, and 55-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murzanski et al. (US Patent Application Publication No. 2002/0103025) in view Tachau et al. (US Patent No. 6,346,025).

Murzanski et al. disclose a housing (20,90); a manipulandum (user manipulated components such as control buttons 74, multi-directional D-pad 78, thumb stick 80 and Murzanski states that joysticks are well known in the art which resemble throttle controls) disposed within the housing and operable to cause a control signal to be sent to a remotely-controlled device (paragraph 0057, lines 1-10); an actuator (50) coupled to the housing, the actuator operable to output a haptic sensation to at least one of the housing or the manipulandum; a receiver disposed within the housing and operable to receive a sensor signal from a sensor configured to sense a state of the remotely controlled device (it inherent that the remotely controlled device would include a receiver and a sensor disposed on the remotely controlled device as well as a transmitter to enable wireless communication); and a processor (200) disposed within the housing in communication with the actuator and the receiver, the processor

operable to generate an actuator signal associated with the state of the remotely controlled device, the actuator signal operable to cause the actuator to output the haptic sensation.

Murzanski et al. do not explicitly disclose a receiver with a sensor configured to sense a state of the remotely controlled device and transmitter, the sensors being a plurality of sensors corresponding to a plurality of actuators.

Tachau et al. teach a remotely controlled toy vehicle having a receiver and a sensor disposed therein for providing a signal (sensing the state of the toy vehicle) back to the remote control (col. 9, lines 64-67 through col. 10, lines 1-5), and a plurality of sensors corresponding to a plurality of actuators (col. 18, lines 1-5).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a receiver in communication with a sensor and transmitter as taught by Tachau et al., since such a modification would enable wireless communication.

Furthermore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a plurality of sensors with corresponding actuators as taught by Tachau et al., since such a modification would provide enhanced interactive features of the toy vehicle.

Claims 52-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 45 above, and further in view of Collier (US Patent No. 4,964,837).

The modified invention of Murzanski lacks the sensor being a contact sensor, pressure sensor, or an accelerometer.

Collier discloses a remotely controlled car that has a radio communication device having a contact sensor, pressure sensor, and an accelerometer (col. 15, lines 57-67).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the claimed sensors as taught by Collier, since Collier states at col. 15, lines 65-67, that such a modification would provide detection of various situations encountered by the remotely controlled device.

#### ***Response to Arguments***

Applicant's arguments filed 02 October 2008 have been fully considered but they are not persuasive.

In response to applicant's arguments against the references (i.e. Murzanski et al.), one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

#### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Urszula M. Cegielnik whose telephone number is 571-272-4420. The examiner can normally be reached on Monday through Friday, from 5:45AM-2:15PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eugene L. Kim can be reached on 571-272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/umc/  
/Gene Kim/  
**Supervisory Patent Examiner, Art Unit 3711**